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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/782,067
Filing Date: February 12, 2001
Appellant(s): MANOWITZ ET AL.

Gregory Koerner
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/12/2009 appealing from the Office action mailed 1/22/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Appellants previously filed an Appeal Brief in the present Application in response to a prior Final Office Action mailed on March 16, 2006. In the Decision on Appeal, the Examiner's rejections were reversed. To the present knowledge of the Examiner, there are currently no related appeals or interference proceedings in progress which will directly affect, or be directly affected by, or have a bearing on the Board's decision in the present Appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0041329	Steinberg	4-2002
6,396,537	Squilla et al.	5-2002
6,442,529	Krishan et al.	8-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg US 2002/0041329 in view of Squilla et al. US 6,396,537 and further in view of Krishan et al. US 6,442,529.

Re claim 1, Steinberg discloses in figure 1 a system (10) including a message center (12) and a digital camera (14) capable of communicating in various ways (page, 2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal to a transceiver (18) for conveying the camera identification (ID) to a remote storage device (message center 12) and in response the remote storage device (12) transmits messages (advertisements) that are identified for the particular camera/user back to the camera (14) (page, 2, paragraph 37). Therefore, since a camera ID is verified and message information is sent to the camera (14) corresponding to the camera ID it can be seen that message data (corresponding to the camera ID) is sent from the remote storage device (12) to the camera (14) via an exclusive connection. Although there are various ways of communication between a remote location (message center 12) and a camera (14) the communication is still solely between an exclusive and predetermined remote location (message center 12) and the camera (14) (only messages from the message center (12) will be sent to the camera). In a different scenario, an intelligent advertisement center may build a user profile for the camera based on image

information from the camera such as the type of images in the camera (page 3, paragraph 39). Therefore, since the user profile is built based on captured image data (quantity of images, type of images) it can be seen that information regarding images captured by the digital camera (14) is uploaded to a predetermined remote location (message center (12)). Also, figure 1 shows that only a message center (12) connected to the network can receive the information regarding the images captured by the camera. Therefore, the data is sent exclusively to the remote storage device. However, although the Steinberg reference discloses all of the above limitations including an exclusive connection between a digital camera and a remote storage device which transmits messages (advertisements) to the digital camera, it fails to specifically state that the digital camera is configured to send image data captured by the camera to the remote storage device.

The Squilla reference provides the teaching that it is well known in the digital imaging art for digital cameras to send captured image data to a remote storage device. Squilla discloses a photographing system for enabling interactive communication between a camera and an attraction site. Squilla discloses a remote storage device (image server 70) that is capable of receiving image data that has been captured by a digital camera (24) via a wireless link (74b) (figure 2; col. 5, line 64-col. 6, line 65). Thus, it can be seen that Squilla discloses a remote storage device (image server 70) for receiving image data and a digital camera (24) configured to send image data to the remote storage device (image server 70). It is clear from Figures 4 & 5 of Steinberg that one of the screens as provided by message center is the ordering of printing images

from the user's camera. If would be clearly beneficial to the user of Steinberg's camera to be able to transmit images taken by the camera directly to a remote storage device as image sequences such as taught in Squilla so that printing could be made without requiring the user of the camera to deliver the image data in person. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Steinberg's message center to include the capability to receive image data directly from the camera as taught by Squilla in order to facilitate the delivering of image data to a processing center. Thus, it would have been obvious for one skilled in the art to have been motivated to include the teaching of transmitting image data captured by a digital camera to a remote storage device as disclosed by Squilla in the camera messaging and advertisement system including a remote messaging center that is capable of receiving data from a camera and transmitting advertisements to the camera. Doing so would provide a means for storing images captured by a digital camera at a remote storage device in order to easily produce prints of captured images and generate customized albums of captured images (Squilla: col. 6, lines 4-19).

Although the combination of the Steinberg and Squilla references discloses all of the above limitations, it fails to distinctly state that the digital camera is physically incapable of communicating, either directly or indirectly, with any electronic devices other than the exclusive and predetermined location.

Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by

users (22) col. 6, lines 19-27). Krishan further states that users (22) may receive the hardware (modem) of a mini-portal for free in return for viewing messages and may receive free or discounted access to the Internet from ISP (24) (col. 6, lines 35-64). Krishan also states that validation stamps are sent by an exclusive and predetermined location (ISP 24) to the mini-portals so that the mini-portals will only function upon receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21). Thus it can be seen that advertising data is downloaded solely from an exclusive and predetermined remote location (ISP 24) to a device (mini-portal of computer) for displaying advertisements. It can further be seen in figure 4 that the mini-portal (51) is only capable of connecting to the Internet via ISP (52) (col. 12, lines 18-30). Therefore, the mini-portal (51) is incapable of communicating with any external device other than the exclusive and remote location (ISP 52). Although the mini-portal (51) is capable of connecting to validation server (53), advertisement server (54), statistics server (55) and content server (56) via the remote location (ISP 52) this does not mean that the mini-portal (51) is capable of communicating with external devices other than the exclusive remote location. The mini-portal (51) may only be connected to the exclusive remote location (ISP 52). Any subsequent communication between the exclusive remote location (ISP 52) and any other device does not constitute a direct connection to the mini-portal (51). Therefore, it would have been obvious for one skilled in the art to have been motivated to implement the business method of an advertiser paying a distributor based on the number of ads viewed by a user and providing a device (mini-portal) to a user at a reduced rate, the device only being able to transmit and receive data from an

exclusive location (ISP) as disclosed by Krishan in the camera capable of downloading advertisements from a messaging center as disclosed by the combination of Steinberg and Squilla. Doing so would provide a means for delivering advertising over a wireless connection and providing subsidized hardware in exchange for receiving advertising (Krishan: col. 1, lines 14-20).

Re claim 2, Steinberg states that the digital camera (14) includes a sensor (digital image acquisition apparatus 88) for generating images (page 4, paragraph 52). In addition, Squilla also states that the digital camera (24) includes an image sensor (CCD 44) for forming image data (col. 4, lines 26-30).

Re claim 3, Steinberg states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). The camera (14) includes a ROM (149) and RAM (150) to store image data and advertisement messages within the camera (page 4, paragraph 53).

Re claim 4, Steinberg states the camera (14) includes a display (48) for viewing image data and advertisement messages received from the message center (12) (page 4, paragraph 53; figure 2). In addition, Squilla states that the digital camera (24) includes a display (50) that displays received content information and captured image data (col. 4, lines 34-35).

Re claim 5, Steinberg discloses in figure 1 a method of communicating between a message center (12) and a digital camera (14) capable of communicating in various ways (page, 2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal to a transceiver (18) for conveying the camera identification (ID) to a remote storage device (message center 12) and in response the remote storage device (12) transmits messages that are identified for the particular camera/user back to the camera (14) (page, 2, paragraph 37). Therefore, since a camera ID is verified and message information is sent to the camera (14) corresponding to the camera ID it can be seen that message data (corresponding to the camera ID) is sent from the remote storage device (12) to the camera (14) via an exclusive connection. Although there are various ways of communication between a remote location (message center 12) and a camera (14) the communication is still solely between an exclusive and predetermined remote location (message center 12) and the camera (14) (only messages from the message center (12) will be sent to the camera). In a different scenario, an intelligent advertisement center may build a user profile for the camera based on image information from the camera such as the type of images in the camera (page 3, paragraph 39). As disclosed above the communication is still solely between an exclusive and predetermined remote location (message center 12) and the camera (14) (image data from the camera (14) will only be sent to message center (12). Therefore, since the user profile is built based on captured image data (quantity of images, type of images) it can be seen that information regarding images captured by the digital camera (14) is uploaded to a predetermined remote location (message center (12)). Steinberg

also states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). Therefore, advertising data is downloaded from the predetermined remote location (message center (12)) to the digital camera (14). The camera (14) also includes a display (48) for displaying advertisement messages received from the message center (12) (page 4, paragraph 53; figure 2). In addition, figure 1 shows that only a message center (12) connected to the network can receive the information regarding the images captured by the camera. Therefore, the data is sent exclusively to the remote storage device. However, although the Steinberg reference discloses all of the above limitations including an exclusive connection between a digital camera and a remote storage device which transmits messages (advertisements) to the digital camera, it fails to specifically state that the digital camera is configured to send image data captured by the image sensor of the camera to the remote storage device.

The Squilla reference provides the teaching that it is well known in the digital imaging art for digital cameras to send captured image data to a remote storage device. Squilla discloses a photographing system for enabling interactive communication between a camera and an attraction site. Squilla discloses a remote storage device (image server 70) that is capable of receiving image data that has been captured by a digital camera (24) via a wireless link (74b) (figure 2; col. 5, line 64-col. 6, line 65). Thus, it can be seen that Squilla discloses a remote storage device (image server 70) for receiving image data and a digital camera (24) configured to send image data to the remote storage device (image server 70). It is clear from Figures 4 & 5 of Steinberg that

one of the screens as provided by message center is the order of printing images from the user's camera. If would be clearly beneficial to the user of Steinberg's camera to be able to transmit images taken by the camera directly to as image sequences such as taught in Squilla so that printing could be made without requiring the user of the camera to deliver the image data in person. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Steinberg's message center with the capability to receive image data directly from the camera as taught by Squilla in order to facilitate the delivering of image data to a processing center. It would have been obvious for one skilled in the art to have been motivated to include the teaching of transmitting image data captured by a digital camera to a remote storage device as disclosed by Squilla in the camera messaging and advertisement system including a remote messaging center that is capable of receiving data from a camera and transmitting advertisements to the camera. Doing so would provide a means for storing images captured by a digital camera at a remote storage device in order to easily produce prints of captured images and generate customized albums of captured images (Squilla: col. 6, lines 4-19).

Although the combination of the Steinberg and Squilla references discloses all of the above limitations, it fails to distinctly state that the digital camera is unable to exchange electronic information with any electronic devices except for the exclusive and predetermined location.

Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20)

based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan further states that users (22) may receive the hardware (modem) of a mini-portal for free in return for viewing messages and may receive free or discounted access to the Internet from ISP (24) (col. 6, lines 35-64). Krishan also states that validation stamps are sent by an exclusive and predetermined location (ISP 24) to the mini-portals so that the mini-portals will only function upon receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21). Thus it can be seen that advertising data is downloaded solely from an exclusive and predetermined remote location (ISP 24) to a device (mini-portal of computer) for displaying advertisements. It can further be seen in figure 4 that the mini-portal (51) is only capable of connecting to the Internet via ISP (52) (col. 12, lines 18-30). Therefore, the mini-portal (51) is incapable of communicating with any external device other than the exclusive and remote location (ISP 52). Although the mini-portal (51) is capable of connecting to validation server (53), advertisement server (54), statistics server (55) and content server (56) via the remote location (ISP 52) this does not mean that the mini-portal (51) is capable of communicating with external devices other than the exclusive remote location. The mini-portal (51) may only be connected to the exclusive remote location (ISP 52). Any subsequent communication between the exclusive remote location (ISP 52) and any other device does not constitute a direct connection to the mini-portal (51). Therefore, it would have been obvious for one skilled in the art to have been motivated to implement the business method of an advertiser paying a distributor based on the number of ads viewed by a user and providing a device to a user for a

reduced rate, the device only being able to transmit and receive data from an exclusive location (ISP) as disclosed by Krishan in the camera capable of downloading advertisements from a messaging center as disclosed by the combination of Steinberg and Squilla. Doing so would provide a means for delivering advertising over a wireless connection and providing subsidized hardware in exchange for receiving advertising (Krishan: col. 1, lines 14-20).

Re claims 6 and 7, Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan also states that the distributor (portal provider 20) may sell the mini-portal (modem) at a reduced price or provide it for free based on the advertising data downloaded by the mini-portal (col. 6, lines 49-65).

Re claim 8, figure 1 of the Steinberg reference shows that only an intelligent advertisement center (message center 12) connected to the network can receive the image information and build a user profile (page 3, paragraph 39). Therefore, uploading the image data occurs only at the predetermined remote location (message center 12).

Re claim 9, Steinberg discloses in figure 1 a system (10) including a message center (12) and a digital camera (14) capable of communicating in various ways (page,

2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal to a transceiver (18) for conveying the camera identification (ID) to a remote storage device (message center 12) and in response the remote storage device (12) transmits messages that are identified for the particular camera/user back to the camera (14) (page, 2, paragraph 37). Therefore, since a camera ID is verified and message information is sent to the camera (14) corresponding to the camera ID it can be seen that message data (corresponding to the camera ID) is sent from the remote storage device (12) to the camera (14) via an exclusive connection. Although there are various ways of communication between a remote location (message center 12) and a camera (14) the communication is still solely between an exclusive and predetermined remote location (message center 12) and the camera (14) (only messages from the message center (12) will be sent to the camera). In a different scenario, an intelligent advertisement center may build a user profile for the camera based on image information from the camera such as the type of images in the camera (page 3, paragraph 39). Therefore, since the user profile is built based on captured image data (quantity of images, type of images) it can be seen that information regarding images captured by the digital camera (14) is uploaded to a predetermined remote location (message center (12)).Steinberg also states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). Therefore, advertising data is downloaded from the predetermined remote location (message center (12)) to the digital camera (14). The camera (14) also includes a display (48) for displaying advertisement messages

received from the message center (12) (page 4, paragraph 53; figure 2). In addition, figure 1 shows that only a message center (12) connected to the network can receive the information regarding the images captured by the camera. Therefore, the data is sent exclusively to the remote storage device. However, although the Steinberg reference discloses all of the above limitations including an exclusive connection between a digital camera and a remote storage device which transmits messages (advertisements) to the digital camera, it fails to specifically state that the digital camera is configured to send image data captured by the image sensor of the camera to the remote storage device.

The Squilla reference provides the teaching that it is well known in the digital imaging art for digital cameras to send captured image data to a remote storage device. Squilla discloses a photographing system for enabling interactive communication between a camera and an attraction site. Squilla discloses a remote storage device (image server 70) that is capable of receiving image data that has been captured by a digital camera (24) via a wireless link (74b) (figure 2; col. 5, line 64-col. 6, line 65). Thus, it can be seen that Squilla discloses a remote storage device (image server 70) for receiving image data and a digital camera (24) configured to send image data to the remote storage device (image server 70). It is clear from Figures 4 & 5 of Steinberg that one of the screens as provided by message center is the order of printing images from the user's camera. If would be clearly beneficial to the user of Steinberg's camera to be able to transmit images taken by the camera directly to as image sequences such as taught in Squilla so that printing could be made without requiring the user of the camera

to deliver the image data in person. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Steinberg's message center with the capability to receive image data directly from the camera as taught by Squilla in order to facilitate the delivering of image data to a processing center. It would have been obvious for one skilled in the art to have been motivated to include the teaching of transmitting image data captured by a digital camera to a remote storage device as disclosed by Squilla in the camera messaging and advertisement system including a remote messaging center that is capable of receiving data from a camera and transmitting advertisements to the camera. Doing so would provide a means for storing images captured by a digital camera at a remote storage device in order to easily produce prints of captured images and generate customized albums of captured images (Squilla: col. 6, lines 4-19).

Although the combination of the Steinberg and Squilla references discloses all of the above limitations, it fails to distinctly state that the digital camera is physically incapable of communicating, either directly or indirectly, with any electronic devices other than the exclusive and predetermined location.

Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan further states that users (22) may receive the hardware (modem) of a mini-portal for free in return for viewing messages and may receive free or discounted access to the Internet from ISP (24) (col. 6, lines 35-64).

Krishan also states that validation stamps are sent by an exclusive and predetermined location (ISP 24) to the mini-portals so that the mini-portals will only function upon receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21). Thus it can be seen that advertising data is downloaded solely from an exclusive and predetermined remote location (ISP 24) to a device (mini-portal of computer) for displaying advertisements. It can further be seen in figure 4 that the mini-portal (51) is only capable of connecting to the Internet via ISP (52) (col. 12, lines 18-30). Therefore, the mini-portal (51) is incapable of communicating with any external device other than the exclusive and remote location (ISP 52). Although the mini-portal (51) is capable of connecting to validation server (53), advertisement server (54), statistics server (55) and content server (56) via the remote location (ISP 52) this does not mean that the mini-portal (51) is capable of communicating with external devices other than the exclusive remote location. The mini-portal (51) may only be connected to the exclusive remote location (ISP 52). Any subsequent communication between the exclusive remote location (ISP 52) and any other device does not constitute a direct connection to the mini-portal (51). Therefore, it would have been obvious for one skilled in the art to have been motivated to implement the business method of an advertiser paying a distributor based on the number of ads viewed by a user and providing a device to a user for a reduced rate, the device only being able to transmit and receive data from an exclusive location (ISP) as disclosed by Krishan in the camera capable of downloading advertisements from a messaging center as disclosed by the combination of Steinberg and Squilla. Doing so would provide a means for delivering advertising over a wireless

connection and providing subsidized hardware in exchange for receiving advertising (Krishan: col. 1, lines 14-20).

Re claim 10, Steinberg states that the digital camera (14) includes a sensor (digital image acquisition apparatus 88) for generating images (page 4, paragraph 52). In addition, Squilla also states that the digital camera (24) includes an image sensor (CCD 44) for forming image data (col. 4, lines 26-30).

Re claim 11, Steinberg states when the camera (14) is turned on it automatically transmits a signal to a transceiver (18) for conveying the camera identification to the message center (12) (page, 2, paragraph 37). Steinberg also states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). Therefore, advertising data is downloaded from the predetermined remote location (message center (12)) to the digital camera (14). In addition, Squilla states that image data that has been captured by a digital camera (24) is transmitted to image server (70) via a wireless link (74b) when the camera (24) is in the wireless communication range of the image server (70) (figure 2; col. 5, line 64-col. 6, line 65). Thus, it can be seen that the wireless interface disclosed by Squilla is configured to automatically connect with the remote location (image server 70) when the camera (24) is in the wireless communication range of the server (70).

Re claim 12, Krishan states that validation stamps are sent by an exclusive and predetermined location (portal provider 20 via ISP) to the mini-portals so that the mini-portals will only function upon receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21).

Re claim 13, Krishan states that a distributor (portal provider 20) of mini-portals implements the functional characteristics (uploading, downloading, and displaying) of the mini-portals and also the portal provider (20) pushes advertising data to the mini-portals, the mini-portals display advertising data in an automatic manner (col. 6, lines 49-67). Furthermore, Krishan discloses that the portal provider (20) has a way to prevent users (22) from disabling the display of advertisements or detecting if users have disabled the display of advertisements (col. 8, lines 60-65).

Re claim 14, Krishan states that the portal provider (20) distributes the mini-portals and administers and maintains an exclusive and predetermined remote location (ISP) from which advertising data is downloaded (col. 6, lines 49-64). While it may not be explicitly stated in the references above that the functionality of an electronic device such as a/an mini-portal such as a computer as disclosed by Krishan may be realized by a/an electronic camera as disclosed by Steinberg and Squilla it is well known to a skilled artisan that a mini-portal such as a computer and an electronic camera are in the same field of endeavor as they are both microcontroller/microprocessor controlled

devices for processing data, such as imaging, image processing, and/or image manipulation.

Even if a mini-portal such as a computer and an electronic camera are not in the same field of endeavor, which the examiner does not concede, a mini-portal such as a computer and an electronic camera are reasonably pertinent to solving the problem of displaying advertisements to a user on a display and would have commended themselves to an artisan addressing such a problem. In re Clay, 966 F.2d 656, 658, 23 USPQ2d 1058, 1060 (Fed. Cir. 1992).

Re claims 15 and 16, Steinberg states that an intelligent advertisement center may build a user profile based on information (uploading information) such as quantity of images taken, type of images, etc. in order to determine a class of interest (page 3 paragraph 39). Steinberg also states that advertising information is downloaded by a camera (14). Similarly, Krishan states that a portal provider (20) may push advertisements to a mini-portal and also obtain information from the computers of the users (22) in response to the advertisements that are sent using the mini-portals (col. 7, lines 17-64). Thus it can be seen that Krishan discloses a method involving a combined download/upload request (push advertisements and obtain information from users). Krishan also states that validation stamps are periodically sent by the portal provider (20) to the mini-portals in order to enable the mini-portals (col. 9, lines 1-67). Thus it can be seen that the download/upload request occurs at regular intervals according to the validation stamps sent by the portal provider (20).

Re claims 17 and 18, Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan also states that the distributor (portal provider 20) may sell the mini-portal (modem) at a reduced price or provide it for free based on the advertising data downloaded by the mini-portal (col. 6, lines 49-65).

Re claim 19, The Steinberg reference discloses that an intelligent advertisement center may build a user profile based on camera information such as quantity of images, type of images, etc. and advertisements may be sent to the camera based on the user profile (page 3, paragraphs 38-39). Furthermore, the Squilla reference discloses that it is well known in the art for digital cameras to send captured image data to a remote device (col. 5, line 64-col. 6, line 65). Therefore, the Examiner maintains that the combination of the Steinberg, Squilla and Krishan references provides the teaching of triggering the downloading of advertising data by uploading image data.

Re claim 20, the Krishan reference discloses that both the portal provider (20) and the ISP (24) generate revenues and are compensated by an advertiser for displaying and providing advertisements to a user (col. 7, line 43-col. 8, line 22; figure 1B). Thus, it can be seen that Krishan discloses that an advertiser (26) compensates

both an exclusive and remote location (ISP 24) and a distributor of a portal (20) for downloading and advertising.

Re claim 21, the Squilla reference discloses that a content database and image server (70) may transmit content information which includes image data to a camera (col. 7, lines 39-67). Furthermore, Squilla discloses that the content information may be uploaded to the camera (24) and selected using the previous function of the camera's LCD screen (50) (col. 8, lines 39-56). Therefore, it can be seen that Squilla discloses that a camera is capable of obtaining image data from a remote location in a reverse transfer operation for viewing by a camera user and thus the combination of the Steinberg, Squilla and Krishan references discloses all of the limitations of claim 21.

(10) Response to Argument

Appellant's arguments regarding claim 1 (Appeal Brief pages 5-6) state that since the Steinberg reference teaches that a camera (14) communicates with a computer (40) that may receive information from sources other than messaging center (12) the Steinberg reference fails to disclose "said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location". The Examiner agrees that the Steinberg reference does not specifically disclose this limitation. However, the Krishan reference provides

the teaching of an electronic device such as a mini-portal that is physically incapable of communicating, either directly or indirectly, with any external device other than an exclusive and remote location. The Examiner maintains that it is well known to a skilled artisan that a mini-portal including computer hardware as taught by Krishan and a digital camera are in the same field of endeavor as they are both microcontroller/microprocessor controlled devices for processing and transmitting data, such as image data, image processing and/or image manipulation. In addition, the Examiner notes that Appellant's specification discloses that the client devices may represent "any device that may enable a user's online access to information" (Appellant's Specification: page 4, lines 4-6).

Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan further states that users (22) may receive the hardware (modem) of a mini-portal for free in return for viewing messages and may receive free or discounted access to the Internet from ISP (24) (col. 6, lines 35-64). Krishan also states that validation stamps are sent by an exclusive and predetermined location (ISP 24) to the mini-portals so that the mini-portals will only function upon receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21). Thus it can be seen that advertising data is downloaded solely from an exclusive and predetermined remote location (ISP 24) to a device (mini-portal) for displaying advertisements. It can further be seen in figure 4 that the mini-portal (51) is only

capable of connecting to the Internet via ISP (52) (col. 12, lines 18-30). Therefore, the mini-portal (51) is incapable of communicating with any external device other than the exclusive and remote location (ISP 52). Although the mini-portal (51) is capable of connecting to validation server (53), advertisement server (54), statistics server (55) and content server (56) via the remote location (ISP 52) this does not mean that the mini-portal (51) is capable of communicating with external devices other than the exclusive remote location. The mini-portal (51) may only be connected to the exclusive remote location (ISP 52) when accessing the internet. Any subsequent communication between the exclusive remote location (ISP 52) and any other device does not constitute a direct connection to the mini-portal (51). Therefore, it would have been obvious for one skilled in the art to have been motivated to implement the business method of an advertiser paying a distributor based on the number of ads viewed by a user and providing a device to a user for a reduced rate, the device only being able to transmit and receive data from an exclusive location (ISP) as disclosed by Krishan in the camera capable of downloading advertisements from a messaging center as disclosed by the combination of Steinberg and Squilla. Doing so would provide a means for delivering advertising over a wireless connection and providing subsidized hardware in exchange for receiving advertising (Krishan: col. 1, lines 14-20).

Appellant's arguments regarding claim 1 (Appeal Brief page 7) state that the Squilla reference does not teach transferring advertising information and also states that although the Squilla reference discloses capturing and transferring image data, the

transferring of image data does not trigger downloads of content information to the camera. The Examiner agrees that the Squilla reference alone does not provide all of the limitations of claim 1. However, the Steinberg reference discloses that an intelligent advertisement center may build a user profile based on camera information such as quantity of images, type of images, etc. and send advertisements to a camera (page 3, paragraph 39). Furthermore, the Squilla reference discloses that it is well known in the art for digital cameras to send captured image data to a remote device (col. 5, line 64-col. 6, line 65). Therefore, the Examiner maintains that the combination of the Steinberg and Squilla references provides the teaching of using transmitted images captured by a camera as disclosed by Squilla to build a user profile and trigger downloads of advertisements to a camera as disclosed by Steinberg. In addition, the Examiner notes that claim 1 does not require that the transferring of image data triggers downloading of advertising data.

Appellant's arguments regarding claim 1 (Appeal Brief page 7) state that since communication to and from the camera disclosed in the Squilla reference is not "exclusive", the Squilla reference fails to disclose "said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location". The Examiner agrees that the Squilla reference does not specifically disclose this limitation. However, the Krishan reference provides the teaching of an electronic device such as a mini-portal that is physically incapable of communicating, either directly or indirectly, with any external device other

than an exclusive and remote location. The Examiner maintains that it is well known to a skilled artisan that a mini-portal including computer hardware as taught by Krishan and a digital camera are in the same field of endeavor as they are both microcontroller/microprocessor controlled devices for processing and transmitting data, such as image data, image processing and/or image manipulation. In addition, the Examiner notes that Appellant's specification discloses that the client devices may represent "any device that may enable a user's online access to information" (Appellant's Specification: page 4, lines 4-6).

Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan further states that users (22) may receive the hardware (modem) of a mini-portal for free in return for viewing messages and may receive free or discounted access to the Internet from ISP (24) (col. 6, lines 35-64). Krishan also states that validation stamps are sent by an exclusive and predetermined location (ISP 24) to the mini-portals so that the mini-portals will only function upon receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21). Thus it can be seen that advertising data is downloaded solely from an exclusive and predetermined remote location (ISP 24) to a device (mini-portal) for displaying advertisements. It can further be seen in figure 4 that the mini-portal (51) is only capable of connecting to the Internet via ISP (52) (col. 12, lines 18-30). Therefore, the mini-portal (51) is incapable of communicating with any external device other than the

exclusive and remote location (ISP 52). Although the mini-portal (51) is capable of connecting to validation server (53), advertisement server (54), statistics server (55) and content server (56) via the remote location (ISP 52) this does not mean that the mini-portal (51) is capable of communicating with external devices other than the exclusive remote location. The mini-portal (51) may only be connected to the exclusive remote location (ISP 52) when accessing the internet. Any subsequent communication between the exclusive remote location (ISP 52) and any other device does not constitute a direct connection to the mini-portal (51). Therefore, it would have been obvious for one skilled in the art to have been motivated to implement the business method of an advertiser paying a distributor based on the number of ads viewed by a user and providing a device to a user for a reduced rate, the device only being able to transmit and receive data from an exclusive location (ISP) as disclosed by Krishan in the camera capable of downloading advertisements from a messaging center as disclosed by the combination of Steinberg and Squilla. Doing so would provide a means for delivering advertising over a wireless connection and providing subsidized hardware in exchange for receiving advertising (Krishan: col. 1, lines 14-20).

Appellant's arguments regarding claim 1 (Appeal Brief pages 7-8) state that none of the cited references teach "said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location". The Examiner respectfully disagrees.

Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan further states that users (22) may receive the hardware (modem) of a mini-portal for free in return for viewing messages and may receive free or discounted access to the Internet from ISP (24) (col. 6, lines 35-64). Krishan also states that validation stamps are sent by an exclusive and predetermined location (ISP 24) to the mini-portals so that the mini-portals will only function upon receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21). Thus it can be seen that advertising data is downloaded solely from an exclusive and predetermined remote location (ISP 24) to a device (mini-portal) for displaying advertisements. It can further be seen in figure 4 that the mini-portal (51) is only capable of connecting to the Internet via ISP (52) (col. 12, lines 18-30). Therefore, the mini-portal (51) is incapable of communicating with any external device other than the exclusive and remote location (ISP 52). Although the mini-portal (51) is capable of connecting to validation server (53), advertisement server (54), statistics server (55) and content server (56) via the remote location (ISP 52) this does not mean that the mini-portal (51) is capable of communicating with external devices other than the exclusive remote location. The mini-portal (51) may only be connected to the exclusive remote location (ISP 52) when accessing the internet. Any subsequent communication between the exclusive remote location (ISP 52) and any other device does not constitute a direct connection to the mini-portal (51). Therefore, it would have been

obvious for one skilled in the art to have been motivated to implement the business method of an advertiser paying a distributor based on the number of ads viewed by a user and providing a device to a user for a reduced rate, the device only being able to transmit and receive data from an exclusive location (ISP) as disclosed by Krishan in the camera capable of downloading advertisements from a messaging center as disclosed by the combination of Steinberg and Squilla. Doing so would provide a means for delivering advertising over a wireless connection and providing subsidized hardware in exchange for receiving advertising (Krishan: col. 1, lines 14-20). In addition, the Examiner maintains that it is well known to a skilled artisan that a mini-portal including computer hardware as taught by Krishan and a digital camera are in the same field of endeavor as they are both microcontroller/microprocessor controlled devices for processing and transmitting data, such as image data, image processing and/or image manipulation. In addition, the Examiner notes that Appellant's specification discloses that the client devices may represent "any device that may enable a user's online access to information" (Appellant's Specification: page 4, lines 4-6).

Appellant's arguments regarding dependent claims 2-4 (Appeal Brief page 8) state that the limitations of dependent claims 2-4 are not taught or suggested by the cited references due to their dependency on claim 1. Therefore, the responses above regarding claim 1 also apply to dependent claims 2-4.

Appellant's arguments regarding claim 5 (Appeal Brief pages 8-9) state that since the Steinberg reference teaches that a camera (14) communicates with a computer (40) that may receive information from sources other than messaging center (12) the Steinberg reference fails to disclose "said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location". The Examiner agrees that the Steinberg reference does not specifically disclose this limitation. However, the Krishan reference provides the teaching of an electronic device such as a mini-portal that is physically incapable of communicating, either directly or indirectly, with any external device other than an exclusive and remote location. The Examiner maintains that it is well known to a skilled artisan that a mini-portal including computer hardware as taught by Krishan and a digital camera are in the same field of endeavor as they are both microcontroller/microprocessor controlled devices for processing and transmitting data, such as image data, image processing and/or image manipulation. In addition, the Examiner notes that Appellant's specification discloses that the client devices may represent "any device that may enable a user's online access to information" (Appellant's Specification: page 4, lines 4-6).

Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan further states that users (22) may receive the hardware (modem) of a mini-portal for free in return for viewing messages and may

receive free or discounted access to the Internet from ISP (24) (col. 6, lines 35-64). Krishan also states that validation stamps are sent by an exclusive and predetermined location (ISP 24) to the mini-portals so that the mini-portals will only function upon receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21). Thus it can be seen that advertising data is downloaded solely from an exclusive and predetermined remote location (ISP 24) to a device (mini-portal) for displaying advertisements. It can further be seen in figure 4 that the mini-portal (51) is only capable of connecting to the Internet via ISP (52) (col. 12, lines 18-30). Therefore, the mini-portal (51) is incapable of communicating with any external device other than the exclusive and remote location (ISP 52). Although the mini-portal (51) is capable of connecting to validation server (53), advertisement server (54), statistics server (55) and content server (56) via the remote location (ISP 52) this does not mean that the mini-portal (51) is capable of communicating with external devices other than the exclusive remote location. The mini-portal (51) may only be connected to the exclusive remote location (ISP 52) when accessing the internet. Any subsequent communication between the exclusive remote location (ISP 52) and any other device does not constitute a direct connection to the mini-portal (51). Therefore, it would have been obvious for one skilled in the art to have been motivated to implement the business method of an advertiser paying a distributor based on the number of ads viewed by a user and providing a device to a user for a reduced rate, the device only being able to transmit and receive data from an exclusive location (ISP) as disclosed by Krishan in the camera capable of downloading advertisements from a messaging center as

disclosed by the combination of Steinberg and Squilla. Doing so would provide a means for delivering advertising over a wireless connection and providing subsidized hardware in exchange for receiving advertising (Krishan: col. 1, lines 14-20).

Appellant's arguments regarding claim 5 (Appeal Brief pages 9-10) state that the Squilla reference does not teach transferring advertising information and also states that although the Squilla reference discloses capturing and transferring image data, the transferring of image data does not trigger downloads of content information to the camera. The Examiner agrees that the Squilla reference alone does not provide all of the limitations of claim 5. However, the Steinberg reference discloses that an intelligent advertisement center may build a user profile based on camera information such as quantity of images, type of images, etc. and send advertisements to a camera (page 3, paragraph 39). Furthermore, the Squilla reference discloses that it is well known in the art for digital cameras to send captured image data to a remote device (col. 5, line 64-col. 6, line 65). Therefore, the Examiner maintains that the combination of the Steinberg and Squilla references provides the teaching of using transmitted images captured by a camera as disclosed by Squilla to build a user profile and trigger downloads of advertisements to a camera as disclosed by Steinberg. In addition, the Examiner notes that claim 5 does not require that the transferring of image data triggers downloading of advertising data.

Appellant's arguments regarding claim 5 (Appeal Brief page 10) state that since communication to and from the camera disclosed in the Squilla reference is not "exclusive", the Squilla reference fails to disclose "said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location". The Examiner agrees that the Squilla reference does not specifically disclose this limitation. However, the Krishan reference provides the teaching of an electronic device such as a mini-portal that is physically incapable of communicating, either directly or indirectly, with any external device other than an exclusive and remote location. The Examiner maintains that it is well known to a skilled artisan that a mini-portal including computer hardware as taught by Krishan and a digital camera are in the same field of endeavor as they are both microcontroller/microprocessor controlled devices for processing and transmitting data, such as image data, image processing and/or image manipulation. In addition, the Examiner notes that Appellant's specification discloses that the client devices may represent "any device that may enable a user's online access to information" (Appellant's Specification: page 4, lines 4-6).

Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan further states that users (22) may receive the hardware (modem) of a mini-portal for free in return for viewing messages and may receive free or discounted access to the Internet from ISP (24) (col. 6, lines 35-64).

Krishan also states that validation stamps are sent by an exclusive and predetermined location (ISP 24) to the mini-portals so that the mini-portals will only function upon receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21). Thus it can be seen that advertising data is downloaded solely from an exclusive and predetermined remote location (ISP 24) to a device (mini-portal) for displaying advertisements. It can further be seen in figure 4 that the mini-portal (51) is only capable of connecting to the Internet via ISP (52) (col. 12, lines 18-30). Therefore, the mini-portal (51) is incapable of communicating with any external device other than the exclusive and remote location (ISP 52). Although the mini-portal (51) is capable of connecting to validation server (53), advertisement server (54), statistics server (55) and content server (56) via the remote location (ISP 52) this does not mean that the mini-portal (51) is capable of communicating with external devices other than the exclusive remote location. The mini-portal (51) may only be connected to the exclusive remote location (ISP 52) when accessing the internet. Any subsequent communication between the exclusive remote location (ISP 52) and any other device does not constitute a direct connection to the mini-portal (51). Therefore, it would have been obvious for one skilled in the art to have been motivated to implement the business method of an advertiser paying a distributor based on the number of ads viewed by a user and providing a device to a user for a reduced rate, the device only being able to transmit and receive data from an exclusive location (ISP) as disclosed by Krishan in the camera capable of downloading advertisements from a messaging center as disclosed by the combination of Steinberg and Squilla. Doing so would provide a

means for delivering advertising over a wireless connection and providing subsidized hardware in exchange for receiving advertising (Krishan: col. 1, lines 14-20).

Appellant's arguments regarding claim 5 (Appeal Brief pages 10-11) state that none of the cited references teach "said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location". The Examiner respectfully disagrees.

Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan further states that users (22) may receive the hardware (modem) of a mini-portal for free in return for viewing messages and may receive free or discounted access to the Internet from ISP (24) (col. 6, lines 35-64). Krishan also states that validation stamps are sent by an exclusive and predetermined location (ISP 24) to the mini-portals so that the mini-portals will only function upon receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21). Thus it can be seen that advertising data is downloaded solely from an exclusive and predetermined remote location (ISP 24) to a device (mini-portal) for displaying advertisements. It can further be seen in figure 4 that the mini-portal (51) is only capable of connecting to the Internet via ISP (52) (col. 12, lines 18-30). Therefore, the mini-portal (51) is incapable of communicating with any external device other than the exclusive and remote location (ISP 52). Although the mini-portal (51) is capable of

connecting to validation server (53), advertisement server (54), statistics server (55) and content server (56) via the remote location (ISP 52) this does not mean that the mini-portal (51) is capable of communicating with external devices other than the exclusive remote location. The mini-portal (51) may only be connected to the exclusive remote location (ISP 52) when accessing the internet. Any subsequent communication between the exclusive remote location (ISP 52) and any other device does not constitute a direct connection to the mini-portal (51). Therefore, it would have been obvious for one skilled in the art to have been motivated to implement the business method of an advertiser paying a distributor based on the number of ads viewed by a user and providing a device to a user for a reduced rate, the device only being able to transmit and receive data from an exclusive location (ISP) as disclosed by Krishan in the camera capable of downloading advertisements from a messaging center as disclosed by the combination of Steinberg and Squilla. Doing so would provide a means for delivering advertising over a wireless connection and providing subsidized hardware in exchange for receiving advertising (Krishan: col. 1, lines 14-20). In addition, the Examiner maintains that it is well known to a skilled artisan that a mini-portal including computer hardware as taught by Krishan and a digital camera are in the same field of endeavor as they are both microcontroller/microprocessor controlled devices for processing and transmitting data, such as image data, image processing and/or image manipulation. In addition, the Examiner notes that Appellant's specification discloses that the client devices may represent "any device that may

enable a user's online access to information" (Appellant's Specification: page 4, lines 4-6).

Appellant's arguments regarding dependent claims 6-8, 12, 17 and 18 (Appeal Brief page 11) state that the limitations of dependent claims 6-8, 12, 17 and 18 are not taught or suggested by the cited references due to their dependency on claim 5. Therefore, the responses above regarding claim 5 also apply to dependent claims 6-8, 12, 17 and 18.

Appellant's arguments regarding claim 13 (Appeal Brief pages 11-12) state that the Krishan reference does not disclose "said digital camera displaying said advertising data in an automatic manner, a device user of said digital camera being unable to prevent said displaying" because the Krishan reference discloses that users who object to receiving advertising material may opt out (citing col. 6, lines 65-66). . The Examiner respectfully disagrees. Krishan states that a distributor (portal provider 20) of mini-portals implements the functional characteristics (uploading, downloading, and displaying) of the mini-portals and also the portal provider (20) pushes advertising data to the mini-portals, the mini-portals display advertising data in an automatic manner (col. 6, lines 49-67**).** Furthermore, Krishan discloses that the portal provider (20) has a way to prevent users (22) from disabling the display of advertisements or detecting if users have disabled the display of advertisements (col. 8, lines 60-65). The Examiner notes that the portion of the Krishan reference cited by Appellant stating that a user may opt out of viewing advertisements is directed to an embodiment where a user would be

forced to user a different provider or pay a higher fee for the use of the mini portal (col. 6, lines 65-67). The portion of the Krishan reference cited and relied on in the rejection specifically states that the portal provider (20) should have a way to prevent users (22) from disabling the display of advertisements or detecting if users have disabled the display of advertisements (col. 8, lines 60-65). Therefore, the Examiner maintains that the Krishan reference discloses that a device user is unable to prevent displaying of advertisements. In addition, the Examiner maintains that it is well known to a skilled artisan that a mini-portal including computer hardware as taught by Krishan and a digital camera are in the same field of endeavor as they are both microcontroller/microprocessor controlled devices for processing and transmitting data, such as image data, image processing and/or image manipulation. In addition, the Examiner notes that Appellant's specification discloses that client devices may represent "any device that may enable a user's online access to information" (Appellant's Specification: page 4, lines 4-6).

Appellant's arguments regarding claim 14 (Appeal Brief page 12) state that the Krishan reference does not disclose that the distributor is a distributor of a digital camera. The Examiner agrees, however the Examiner maintains that the combination of the Steinberg, Squilla and Krishan references discloses all of the limitations of claim 14. While it may not be explicitly stated in the references above that the functionality of an electronic device such as a/an mini-portal as disclosed by Krishan may be realized by a/an electronic camera as disclosed by Steinberg and Squilla it is well known to a

skilled artisan that a mini-portal and an electronic camera are in the same field of endeavor as they are both microcontroller/microprocessor controlled devices for processing data, such as imaging, image processing, and/or image manipulation. In addition, the Examiner notes that Appellant's specification discloses that client devices may represent "any device that may enable a user's online access to information" (Appellant's Specification: page 4, lines 4-6). Furthermore, even if a mini-portal such as a computer and an electronic camera are not in the same field of endeavor, which the examiner does not concede, a mini-portal such as a computer and an electronic camera are reasonably pertinent to solving the problem of displaying advertisements to a user on a display and would have commended themselves to an artisan addressing such a problem. In re Clay, 966 F.2d 656, 658, 23 USPQ2d 1058, 1060 (Fed. Cir. 1992). Applicant's arguments regarding claim 15 (Amendment page 12) state that none of the cited references mention any sort of "combined download/upload request". The Examiner respectfully disagrees. Steinberg states that an intelligent advertisement center may build a user profile based on information (uploading information) such as quantity of images taken, type of images, etc. in order to determine a class of interest (page 3 paragraph 39). Steinberg also states that advertising information is downloaded by a camera (14). Similarly, Krishan states that a portal provider (20) may push advertisements to a mini-portal and also obtain information from the computers of the users (22) in response to the advertisements that are sent using the mini-portals (col. 7, lines 17-64). Thus it can be seen that Krishan discloses a method involving a combined download/upload request (push advertisements and obtain information from

users). Krishan also states that validation stamps are periodically sent by the portal provider (20) to the mini-portals in order to enable the mini-portals (col. 9, lines 1-67). Thus it can be seen that the download/upload request occurs at regular intervals according to the validation stamps sent by the portal provider (20).

Appellant's arguments regarding claim 15 (Appeal Brief pages 12-13) state that none of the cited references mention any sort of "combined download/upload request". The Examiner respectfully disagrees. Steinberg states that an intelligent advertisement center may build a user profile based on information (uploading information) such as quantity of images taken, type of images, etc. in order to determine a class of interest (page 3 paragraph 39). Steinberg also states that advertising information is downloaded by a camera (14). Similarly, Krishan states that a portal provider (20) may push advertisements to a mini-portal and also obtain information from the computers of the users (22) in response to the advertisements that are sent using the mini-portals (col. 7, lines 17-64). Thus it can be seen that Krishan discloses a method involving a combined download/upload request (push advertisements and obtain information from users). Krishan also states that validation stamps are periodically sent by the portal provider (20) to the mini-portals in order to enable the mini-portals (col. 9, lines 1-67). Thus it can be seen that the download/upload request occurs at regular intervals according to the validation stamps sent by the portal provider (20).

Appellant's arguments regarding claim 16 (Appeal Brief page 13) state that the Krishan reference's teaching of sending validation stamps "periodically" does not necessarily mean that the validation stamps are send at "predetermined regular intervals" as claimed. The Examiner respectfully disagrees. Krishan states that a portal provider (20) may push advertisements to a mini-portal and also obtain information from the computers of the users (22) in response to the advertisements that are sent using the mini-portals (col. 7, lines 17-64). Thus it can be seen that Krishan discloses a method involving a combined download/upload request (push advertisements and obtain information from users). Krishan also states that validation stamps are periodically sent by the portal provider (20) to the mini-portals in order to enable the mini-portals (col. 9, lines 1-67). Thus it can be seen that the download/upload request occurs at regular intervals according to the validation stamps sent by the portal provider (20). The Examiner maintains that the periodic pushing of validation stamps disclosed by Krishan constitutes sending the stamps at predetermined regular intervals. According to Webster's dictionary periodic is defined as "occurring or recurring at regular intervals". Therefore, the period pushing constitutes pushing at regular intervals. Furthermore, because the pushing is determined prior to the actual pushing of validation stamps the Examiner maintains that it is predetermined.

Appellant's arguments regarding claim 19 (Appeal Brief pages 13-14) state that none of the cited references disclose a protocol in which "downloading of said advertising data is triggered by said uploading image data". The Examiner respectfully

disagrees. The Steinberg reference discloses that an intelligent advertisement center may build a user profile based on camera information such as quantity of images, type of images, etc. and advertisements may be sent to the camera based on the user profile (advertisements triggered based on uploaded user profile)(page 3, paragraphs 38-39). Furthermore, the Squilla reference discloses that it is well known in the art for digital cameras to send captured image data to a remote device (col. 5, line 64-col. 6, line 65). Therefore, the Examiner maintains that the combination of the Steinberg, Squilla and Krishan references provides the teaching of triggering the downloading of advertising data by uploading image data.

Appellant's arguments regarding claim 20 (Appeal Brief page 14) state that none of the cited references disclose "an advertiser compensates both said exclusive and remote location and a distributor of a digital camera for downloading advertising". The Examiner respectfully disagrees. The Krishan reference discloses that both the portal provider (20) and the ISP (24) generate revenues and are compensated by an advertiser for displaying and providing advertisements to a user (col. 7, line 43-col. 8, line 22; figure 1B). Thus, it can be seen that Krishan discloses that an advertiser (26) compensates both an exclusive and remote location (ISP 24) and a distributor of a portal (20) for downloading and advertising. While it may not be explicitly stated in the Steinberg, Squilla and Krishan references that the functionality of an electronic device such as a/an mini-portal as disclosed by Krishan may be realized by a/an electronic camera as disclosed by Steinberg and Squilla it is well known to a skilled

artisan that a mini-portal and an electronic camera are in the same field of endeavor as they are both microcontroller/microprocessor controlled devices for processing data, such as imaging, image processing, and/or image manipulation. In addition, the Examiner notes that Appellant's specification discloses that client devices may represent "any device that may enable a user's online access to information" (Appellant's Specification: page 4, lines 4-6).

Appellant's arguments regarding claim 21 (Appeal Brief page 14) state that none of the cited references disclose a protocol in which "a camera obtains image data back from an exclusive and predetermined location in a reverse transfer operation for viewing by a camera user after an uploading request has occurred". The Examiner respectfully disagrees. The Squilla reference discloses that a content database and image server (70) may transmit content information which includes image data to a camera (col. 7, lines 39-67). Furthermore, Squilla discloses that the content information may be uploaded to the camera (24) and selected using the previous function of the camera's LCD screen (50) (col. 8, lines 39-56). Therefore, it can be seen that Squilla discloses that a camera is capable of obtaining image data from a remote location in a reverse transfer operation for viewing by a camera user and thus the combination of the Steinberg, Squilla and Krishan references discloses all of the limitations of claim 21.

Appellant's arguments regarding claim 9 (Appeal Brief pages 15-16) state that since the Steinberg reference teaches that a camera (14) communicates with a computer (40) that may receive information from sources other than messaging center (12) the Steinberg reference fails to disclose "said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location". The Examiner agrees that the Steinberg reference does not specifically disclose this limitation. However, the Krishan reference provides the teaching of an electronic device such as a mini-portal that is physically incapable of communicating, either directly or indirectly, with any external device other than an exclusive and remote location. The Examiner maintains that it is well known to a skilled artisan that a mini-portal including computer hardware as taught by Krishan and a digital camera are in the same field of endeavor as they are both microcontroller/microprocessor controlled devices for processing and transmitting data, such as image data, image processing and/or image manipulation. In addition, the Examiner notes that Appellant's specification discloses that the client devices may represent "any device that may enable a user's online access to information" (Appellant's Specification: page 4, lines 4-6).

Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan further states that users (22) may receive the hardware (modem) of a mini-portal for free in return for viewing messages and may

receive free or discounted access to the Internet from ISP (24) (col. 6, lines 35-64). Krishan also states that validation stamps are sent by an exclusive and predetermined location (ISP 24) to the mini-portals so that the mini-portals will only function upon receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21). Thus it can be seen that advertising data is downloaded solely from an exclusive and predetermined remote location (ISP 24) to a device (mini-portal) for displaying advertisements. It can further be seen in figure 4 that the mini-portal (51) is only capable of connecting to the Internet via ISP (52) (col. 12, lines 18-30). Therefore, the mini-portal (51) is incapable of communicating with any external device other than the exclusive and remote location (ISP 52). Although the mini-portal (51) is capable of connecting to validation server (53), advertisement server (54), statistics server (55) and content server (56) via the remote location (ISP 52) this does not mean that the mini-portal (51) is capable of communicating with external devices other than the exclusive remote location. The mini-portal (51) may only be connected to the exclusive remote location (ISP 52) when accessing the internet. Any subsequent communication between the exclusive remote location (ISP 52) and any other device does not constitute a direct connection to the mini-portal (51). Therefore, it would have been obvious for one skilled in the art to have been motivated to implement the business method of an advertiser paying a distributor based on the number of ads viewed by a user and providing a device to a user for a reduced rate, the device only being able to transmit and receive data from an exclusive location (ISP) as disclosed by Krishan in the camera capable of downloading advertisements from a messaging center as

disclosed by the combination of Steinberg and Squilla. Doing so would provide a means for delivering advertising over a wireless connection and providing subsidized hardware in exchange for receiving advertising (Krishan: col. 1, lines 14-20).

Appellant's arguments regarding claim 9 (Appeal Brief page 16) state that the Squilla reference does not teach transferring advertising information and also states that although the Squilla reference discloses capturing and transferring image data, the transferring of image data does not trigger downloads of content information to the camera. The Examiner agrees that the Squilla reference alone does not provide all of the limitations of claim 9. However, the Steinberg reference discloses that an intelligent advertisement center may build a user profile based on camera information such as quantity of images, type of images, etc. and send advertisements to a camera (page 3, paragraph 39). Furthermore, the Squilla reference discloses that it is well known in the art for digital cameras to send captured image data to a remote device (col. 5, line 64-col. 6, line 65). Therefore, the Examiner maintains that the combination of the Steinberg and Squilla references provides the teaching of using transmitted images captured by a camera as disclosed by Squilla to build a user profile and trigger downloads of advertisements to a camera as disclosed by Steinberg. In addition, the Examiner notes that claim 9 does not require that the transferring of image data triggers downloading of advertising data.

Appellant's arguments regarding claim 9 (Appeal Brief page 16) state that since communication to and from the camera disclosed in the Squilla reference is not "exclusive", the Squilla reference fails to disclose "said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location". The Examiner agrees that the Squilla reference does not specifically disclose this limitation. However, the Krishan reference provides the teaching of an electronic device such as a mini-portal that is physically incapable of communicating, either directly or indirectly, with any external device other than an exclusive and remote location. The Examiner maintains that it is well known to a skilled artisan that a mini-portal including computer hardware as taught by Krishan and a digital camera are in the same field of endeavor as they are both microcontroller/microprocessor controlled devices for processing and transmitting data, such as image data, image processing and/or image manipulation. In addition, the Examiner notes that Appellant's specification discloses that the client devices may represent "any device that may enable a user's online access to information" (Appellant's Specification: page 4, lines 4-6).

Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan further states that users (22) may receive the hardware (modem) of a mini-portal for free in return for viewing messages and may receive free or discounted access to the Internet from ISP (24) (col. 6, lines 35-64).

Krishan also states that validation stamps are sent by an exclusive and predetermined location (ISP 24) to the mini-portals so that the mini-portals will only function upon receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21). Thus it can be seen that advertising data is downloaded solely from an exclusive and predetermined remote location (ISP 24) to a device (mini-portal) for displaying advertisements. It can further be seen in figure 4 that the mini-portal (51) is only capable of connecting to the Internet via ISP (52) (col. 12, lines 18-30). Therefore, the mini-portal (51) is incapable of communicating with any external device other than the exclusive and remote location (ISP 52). Although the mini-portal (51) is capable of connecting to validation server (53), advertisement server (54), statistics server (55) and content server (56) via the remote location (ISP 52) this does not mean that the mini-portal (51) is capable of communicating with external devices other than the exclusive remote location. The mini-portal (51) may only be connected to the exclusive remote location (ISP 52) when accessing the internet. Any subsequent communication between the exclusive remote location (ISP 52) and any other device does not constitute a direct connection to the mini-portal (51). Therefore, it would have been obvious for one skilled in the art to have been motivated to implement the business method of an advertiser paying a distributor based on the number of ads viewed by a user and providing a device to a user for a reduced rate, the device only being able to transmit and receive data from an exclusive location (ISP) as disclosed by Krishan in the camera capable of downloading advertisements from a messaging center as disclosed by the combination of Steinberg and Squilla. Doing so would provide a

means for delivering advertising over a wireless connection and providing subsidized hardware in exchange for receiving advertising (Krishan: col. 1, lines 14-20).

Appellant's arguments regarding claim 9 (Appeal Brief page 17) state that none of the cited references teach "said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location". The Examiner respectfully disagrees.

Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan further states that users (22) may receive the hardware (modem) of a mini-portal for free in return for viewing messages and may receive free or discounted access to the Internet from ISP (24) (col. 6, lines 35-64). Krishan also states that validation stamps are sent by an exclusive and predetermined location (ISP 24) to the mini-portals so that the mini-portals will only function upon receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21). Thus it can be seen that advertising data is downloaded solely from an exclusive and predetermined remote location (ISP 24) to a device (mini-portal) for displaying advertisements. It can further be seen in figure 4 that the mini-portal (51) is only capable of connecting to the Internet via ISP (52) (col. 12, lines 18-30). Therefore, the mini-portal (51) is incapable of communicating with any external device other than the exclusive and remote location (ISP 52). Although the mini-portal (51) is capable of

connecting to validation server (53), advertisement server (54), statistics server (55) and content server (56) via the remote location (ISP 52) this does not mean that the mini-portal (51) is capable of communicating with external devices other than the exclusive remote location. The mini-portal (51) may only be connected to the exclusive remote location (ISP 52) when accessing the internet. Any subsequent communication between the exclusive remote location (ISP 52) and any other device does not constitute a direct connection to the mini-portal (51). Therefore, it would have been obvious for one skilled in the art to have been motivated to implement the business method of an advertiser paying a distributor based on the number of ads viewed by a user and providing a device to a user for a reduced rate, the device only being able to transmit and receive data from an exclusive location (ISP) as disclosed by Krishan in the camera capable of downloading advertisements from a messaging center as disclosed by the combination of Steinberg and Squilla. Doing so would provide a means for delivering advertising over a wireless connection and providing subsidized hardware in exchange for receiving advertising (Krishan: col. 1, lines 14-20). In addition, the Examiner maintains that it is well known to a skilled artisan that a mini-portal including computer hardware as taught by Krishan and a digital camera are in the same field of endeavor as they are both microcontroller/microprocessor controlled devices for processing and transmitting data, such as image data, image processing and/or image manipulation. In addition, the Examiner notes that Appellant's specification discloses that the client devices may represent "any device that may

enable a user's online access to information" (Appellant's Specification: page 4, lines 4-6).

Appellant's arguments regarding dependent claims 10-11 (Appeal Brief page 17) state that the limitations of dependent claims 10-11 are not taught or suggested by the cited references due to their dependency on claim 9. Therefore, the responses above regarding claim 9 also apply to dependent claims 10-11.

(11) Related Proceeding(s) Appendix

Appellants previously filed an Appeal Brief in the present Application in response to a prior Final Office Action mailed on March 16, 2006. In the Decision on Appeal, the Examiner's rejections were reversed. To the present knowledge of the Examiner, there are currently no related appeals or interference proceedings in progress which will directly affect, or be directly affected by, or have a bearing on the Board's decision in the present Appeal.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Kelly L. Jerabek/

Examiner, Art Unit 2622

Conferees:

/Jason Chan/

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/Sinh Tran/

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